REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-42 in the application. In the current response, the Applicants have amended Claims 1, 20, and 29. Support for the amendment can be found, for example, in paragraphs 36 and 53-54 of the original specification. No other claims have been canceled or added. Accordingly, Claims 1-42 are currently pending in the application.

I.   Rejection of Claim 20 under 35 U.S.C. §112

The Examiner has rejected Claim 20 under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. More specifically, the Examiner has stated that limitation "The method of Claim 11" recited in line 1 of Claim 20 does not have sufficient antecedent basis. In response, the Applicants have amended Claim 20 to indicate dependence on independent Claim 15. Accordingly, the Applicants respectfully request the Examiner to withdraw the §112, second paragraph rejection of Claim 20 and allow issuance thereof.

II.   Rejection of Claims 1, 15 and 29 under Non-Statutory Double Patenting

The Examiner has provisionally rejected Claims 1, 15 and 29 on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 11 of co-pending Application No. 10/782,080 in view of U.S. Patent No. 5,568,644 to Nelson, *et al.* The Applicants respectfully disagree.

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The Examiner states the '080 application does not expressly disclose an abstract management subsystem configured to employ a condition management structure to control a propagation of selected ones of status indicators through a hierarchical register consolidation structure as recited in amended independent Claims 1 and 29 and independent Claim 15 and cites column 4, lines 14-15 of Nelson to cure this deficiency. (See Examiner's Action electronically delivered March 28, 2007, page 4.) Here Nelson teaches an IER (interrupt enabler routine) turns on an interrupt source's ability to propagate a hardware interrupt. The Applicants, however, fail to find where Nelson teaches or suggests employing a <u>condition management structure</u> to control a propagation of selected ones of status indicators through a hierarchical register consolidation structure as recited in independent Claims 1, 15, and 29. Therefore, Nelson does not cure the Examiner's stated deficiency of the '080 application. Accordingly, the Applicants, therefore, respectfully request the Examiner to withdraw the non-statutory obviousness-type double patenting rejection of independent Claims 1, 15, and 29 and allow issuance thereof.

III.   Rejection of Claims 1-3, 7-12, 14, and 29-42 under 35 U.S.C. §101

The Examiner has rejected Claims 1-3, 7-12, 14, and 29-42 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In response, the Applicants have amended independent Claims 1 and 29 to more clearly point out that these claims claim a computer-implemented condition management system in compliance with the requirements of §101. Accordingly, the Applicants respectfully request the Examiner to withdraw the §101 rejection with respect to Claims 1-3, 7-12, 14, and 29-42.

IV.   **Rejection of Claims 1, 2, 5-11, 13, 15, 16, 19-25, 27, 29-31, 33-35 and 39-42 under 35 U.S.C. §102**

The Examiner has rejected Claims 1, 2, 5-11, 13, 15, 16, 19-25, 27, 29-31, 33-35 and 39-42 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,568,644 to Nelson, *et al.* The Applicants respectfully disagree since Nelson does not teach employing a condition management structure to traverse a hierarchical register consolidation structure to determine a condition of at least one status indicator as recited in independent Claims 1, 15, and 29.

Nelson teaches at step 200, an interrupt is generated and the interrupt dispatching process or interrupt engine begins processing at the root node of the hierarchical Interrupt Source Tree (IST) by making the root node the current evaluation node in step 205. Nelson then traverses the hierarchical IST using an interrupt service routine (ISR) to determine which node caused an interrupt. (*See* column 4, line 66 through column 6, line 51 and Figure 3.) Thus, Nelson does not teach using another structure to traverse the hierarchical IST. As such, Nelson does not teach employing a condition management structure to traverse a hierarchical register consolidation structure to determine a condition of at least one status indicator as recited in independent Claims 1, 15, and 29 and, as such, does not anticipate independent Claims 1, 15, and 29 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection of Claims 1, 2, 5-11, 13, 15, 16, 19-25, 27, 29-31, 33-35 and 39-42 and allow issuance thereof.

V.   **Rejection of Claims 3, 4, 12, 14, 16-18, 28, 32, and 36-37 under 35 U.S.C. §103**

The Examiner has rejected Claims 3, 4, 12, 14, 16-18, 28, 32, and 36-37 under 35 U.S.C. §103(a) as being unpatentable over Nelson and in further view of: U.S. Patent No. 5,495,615 to Nizar, *et al.* for Claims 3-4 and 17-18; "Operation System Concept" by Silberschatz, *et al.* for Claims 12 and 16; U.S. Patent No. 5,530,874 to Emery, *et al.* for Claims 14 and 28; U.S. Patent No. 6,584,532 to Francis, *et al.* for Claim 32; U.S. Patent No. 5,129,083 to Cutler, *et al.* for Claim 36; U.S. Patent No. 5,995,736 to Aleksic, *et al.* for Claim 37; and U.S. Patent No. 6,883,053 to Shinagawa, *et al.* for Claim 38. The Applicants respectfully disagree.

As argued above, Nelson does not teach employing a condition management structure to traverse a hierarchical register consolidation structure to determine a condition of at least one status indicator as recited in independent Claims 1, 15, and 29. Furthermore, it does not suggest the same since Nelson discloses traversing the hierarchical IST by determining at each node which branch to take before proceeding. (*See* Abstract.) As such, Nelson does not teach or suggest each element of independent Claims 1, 15, and 29.

The Applicants do not find where the above references cure the noted deficiencies of Nelson. Additionally, the above references have not been cited to cure the noted deficiencies of the independent claims but to teach the limitations of the above noted dependent claims. Thus, the cited combinations do not provide a *prima facie* case of obviousness of independent Claims 1, 15, and 29 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 3, 4, 12, 14, 16-18, 28, 32, and 36-37 and allow issuance thereof.
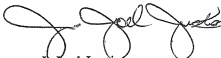
VI.   Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-42.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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